

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on Defendant Kristie Webb's unopposed Motion to Continue Trial Date and All Related Deadlines [Doc. 51], filed on March 31, 2021. Defendant Webb asks the Court to continue the April 19, 2021 trial date and the schedule to give the parties time to complete plea negotiations, because defense counsel has a conflict with the trial date, and because other codefendants have yet to enter the case. The motion states that Defendant Webb agrees with a continuance and waives her speedy trial rights in relation to the motion. The motion also relates that the Government does not oppose the requested continuance. The parties have conferred with Chambers and agreed on a new trial date of October 19, 2021.

The Court finds Defendant Webb's motion to continue the trial and schedule is unopposed by the Government and well-taken. The Court finds that the ends of justice served by granting a continuance outweigh the interest of the Defendants and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Defendant Webb is charged [Doc. 3, SEALED] along with other named

codefendants with conspiring to distribute methamphetamine (Count One).¹ Defendant Webb first appeared in this case on December 7, 2020. Four other codefendants have yet to enter the case. The Court notes that defense counsel represents a client in another federal case, for which trial begins on April 20, 2021. Thus, without a trial continuance, Defendant Webb would be unreasonably deprived of the continuity of counsel. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court also finds that counsel for Defendant Webb and the Government need time to complete plea negotiations. If negotiations are not fruitful, defense counsel will need time to investigate the facts of the case, to prepare and litigate motions, and to prepare the case for trial. These trial preparations cannot be concluded by the April 19 trial date or in less than five and one-half. Thus, the Court concludes that without a continuance, defense counsel would not have the reasonable time necessary to prepare for trial, even proceeding with due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

The motion to continue the trial and schedule [Doc. 51] is **GRANTED**. The trial of this case is reset to **October 19, 2021**. The Court finds that all the time between the filing of the motion on March 31, 2021, and the new trial date of October 19, 2021, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(7)(A)-(B).

The Court also sets a new schedule in this case, which is stated in detail below.

The Court **ORDERS** as follows:

- (1) Defendant Webb's Motion to Continue Trial Date and All Related Deadlines [Doc. 51] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **October 19, 2021, at 9:00 a.m.**, before the Honorable Katherine A. Crytzer, Chief United States District Judge;

¹ Only one other codefendant has entered the case, Defendant Eric Neal, who has a plea agreement [Doc. 46].

- (3) All time between the filing of the motion on **March 31, 2021**, and the new trial date of **October 19, 2021**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The deadline for filing pretrial motions is extended to **May 14, 2021**;
- (5) Responses to motions are due on or before **May 28, 2021**;
- (6) The new deadline for filing a plea agreement in the record and providing reciprocal discovery is **September 20, 2021**;
- (7) Motions *in limine* must be filed no later than **October 4, 2021**
- (8) The parties are to appear before the undersigned for a final pretrial conference on **October 5, 2021, at 11:00 a.m.**; and
- (9) Requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4. shall be filed on or before **October 8, 2020**.

IT IS SO ORDERED.

ENTER:



H. Bruce Guyton
United States Magistrate Judge